



Fitch, Even, Tabin & Flannery

Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER

1801 K. Street, NW, Suite 401L
Washington, D.C. 20006
Phone: (202) 419-7000 Fax: (202) 419-7007

TELECOPIER COVER SHEET

JAN 08 2004

OFFICIAL

Client/Matter Nos: 7390/71620

Date: January 8, 2004

The transmission that follows totals 3 pages, including this cover sheet. Please deliver immediately to the following:

Attn: Examiner Sam Chuan C. Yao **Fax: 703 872-9310**
Art Unit 1733

Re: U.S. Application No. 09/903,680
NISHIDA et al.

This transmission is being sent by Kendrew Colton, please call (202-419-7000) if there is a problem with this transmission.

COMMENTS:

CERTIFICATE OF FACSIMILE: I hereby certify this paper (Response to Second Requirement for Restriction) is being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231, Attn: Examiner Sam Chuan C. Yao, on this day of January 8, 2004.

Kendrew H. Colton, Reg. No. 30,368

This transmission with its attachments is intended for the use of the individual or entity to which it is addressed, and may contain information that is **PRIVILEGED & CONFIDENTIAL**. If you are not the intended recipient and have received this transmission in error, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. Please notify the operator immediately by telephone and mail the original telecopier message back to us. We will reimburse your first-class mail costs.

JAN 08 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/903,680	Confirmation No.:	4286
Applicant	:	NISHIDA et al.		
Filed:	:	July 13, 2001		
TC/A.U.	:	1733		
Examiner	:	Samchuan Cua Yao		
Docket No.	:	7390/71620		
Customer No.	:	22242		

Commissioner for Patents
 U.S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window, Mail Stop **NON-Fee Amendment**
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

January 8, 2004

RESPONSE TO SECOND REQUIREMENT FOR RESTRICTION

Sir:

Applicants respond to the December 18, 2003 requirement for restriction between Group I claims 1, 3, 6, 17-19 and Group II claims 2, 3-4, 6, 17-18 assuming patentably independent and distinct inventions based on a feature A and a feature B differentiating said Groups. Claims 7-16 remain withdrawn from consideration.

It is respectfully noted that the July 2, 2003 Office Action recounts a still earlier oral requirement for restriction of June 29, 2003 in which claims 1-6 were collectively identified as Group I and reports the election of said claims.

It is unfortunate that yet another requirement for restriction was issued as the PTO's requirement would appear - from Applicants' perspective - to postpone, *i.e.* delay, prosecution. It is therefore requested that the patent term be extended pursuant to the provisions of the American Inventor's Protection Act ("AIPA") commensurate with such PTO-related delay.

Applicants acknowledge the Examiner's previous indication that 'non-elected' claims will be rejoined upon allowable elected subject matter being determined. Applicants respectfully solicit rejoinder followed by allowability.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 
Kendrew H. Colton
Registration No. 30,368

FITCH, EVEN, TABIN & FLANNERY
1801 K Street, NW
Suite 401L
Washington, DC 20006-1201
Telephone: (202) 419-7000
Facsimile: (202) 419 -7007